

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
CENTRAL DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CEDRIC MCDONALD,

Defendant.

No. CR14-3056-MWB

**ORDER REGARDING  
DEFENDANT'S MOTION FOR  
JUDGMENT OF ACQUITTAL OR,  
IN THE ALTERNATIVE, NEW  
TRIAL**

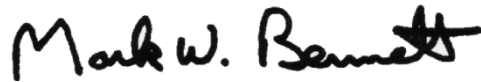
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This case is before me on defendant Cedric McDonald's motion for judgment of acquittal or, in the alternative, a new trial (docket no. 59). On November 18, 2014, a two-count Indictment was returned against McDonald, charging him with being a felon in possession of firearms (Count 1), in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2), and 924(e)(1), and possession of stolen firearms (Count 2), in violation of §§ 922(j) and 924(a)(2). Trial commenced on March 16, 2015. On March 18, 2015, the jury returned a verdict in which it found McDonald guilty on Count 1 and not guilty on Count 2. McDonald requested, and I granted, an extension of time to file his post-trial motions. McDonald, subsequently, filed a timely motion for judgment of acquittal, pursuant to Federal Rule of Criminal Procedure 29(c), or, in the alternative, a motion for a new trial, pursuant to Federal Rule of Criminal Procedure 33. He argues for a judgment of acquittal on the ground that there was insufficient evidence introduced at trial to support his conviction on the charged offense. The prosecution has filed a timely resistance to McDonald's motion. The prosecution contends that the evidence introduced at trial, when viewed in the light most favorable to the guilty verdict and granting all reasonable

inferences supported by that evidence, supports the jury's finding McDonald guilty of the charged offense. McDonald did not file a reply brief. Applying the required standards for consideration of a motion for judgment of acquittal, *see* FED. R. CRIM. P. 29, and a motion for new trial, *see* FED. R. CRIM. P. 33, which I articulated in *United States v. Ortiz*, 40 F. Supp. 2d 1073, 1079, 1082 (N.D. Iowa 1999), McDonald's motion for judgment of acquittal and alternative motion for new trial are denied.

**IT IS SO ORDERED.**

**DATED** this 13th day of May, 2015.

A handwritten signature in black ink that reads "Mark W. Bennett". The signature is written in a cursive, slightly stylized font. The "M" is large and loops around the "a". The "W" is formed by two connected loops. The "Bennett" part is also cursive, with a prominent "B" and a trailing flourish at the end.

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MARK W. BENNETT  
U.S. DISTRICT COURT JUDGE  
NORTHERN DISTRICT OF IOWA